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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,978	12/28/2001	Jeffrey B. Hundley	1381-011312	1223

7590 07/28/2004

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EXAMINER

MAI, LANNA

ART UNIT PAPER NUMBER

3637

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,978

Applicant(s)

HUNDLEY, JEFFREY B.

Examiner

Lanna Mai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-34,42,44-51,56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) 42,47 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-34,44-46,49-51,56 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/02/04 has been entered.

Claim Rejections - 35 USC § 103

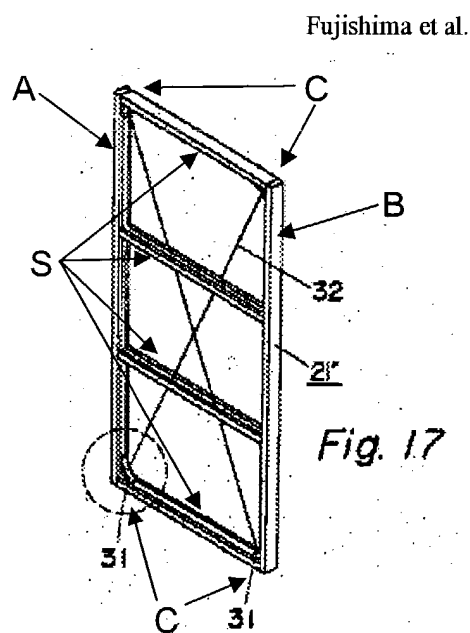
Claims 32-34, 44-46, 49-51, 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujishima et al. in view of Ryan et al.

Fujishima et al. disclose a structural panel (21'') (Fig. 17) having a first track (A); a second track (B); a plurality of elongated members or studs (S) therebetween (as recited in claim 50) connected to and securing the first track and second track, wherein the intersection of the outermost elongated members and the first track and second track define four inner corners (C); two pairs of brackets (31) (Fig. 18) (as recited in claim 44) secured to one of the two diametrically opposed inner corners; wherein each bracket of the at least one pair of brackets is secured by welding to one of either the first or second track and to the adjacent outermost elongated member (Fujishima et al. col. 5, line 36) (as recited in claim 45); a cross member (32) passing through a first passageway (bores) of one of the pair of brackets and secured at a first end to one of the pair of brackets and the cross member passing through the first passageway of the other of the pair of brackets and secured at a second end to the other of the pair of

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brackets; wherein each cross member has threaded ends which extend through the first passageways (bores) in the brackets and are secured to the brackets with mating nuts (33) which coact with walls of the bracket surrounding the first passageways, such that the tension in the cross member may be adjusted by tightening or loosening the nuts against the brackets (Fujishima et al. col. 5, lines 34-35) (as recited in claim 46).

Fujishima et al. further disclose that the brackets have a polygonal body shape; a first side and second side defining a thickness; a first end adjacent to a second end wherein the first end and the second end form a corner.



Fujishima et al. do not expressly disclose a bracket wherein the first end and the second end each have mutually perpendicular outer surfaces; wherein an imaginary first penetration line extends from both the first and second end at the second end and wherein the first penetration line intersects and passes through the cavity wall; wherein a first passageway extends about the first penetration line through the cavity wall; wherein an imaginary second penetration line extends from and in a direction perpendicular to the outer surface of the first end; and wherein a second passage way extends about the second penetration line through the cavity wall of the first end; wherein the cavity wall surrounding the first passageway has a convex shape; and wherein a third passageway through the cavity wall positioned opposite the second passageway such that the second penetration line passes through the third passageway.

Ryan teaches a polygonal bracket (figs. 1 and 2) that is a continuous and unitary member and having a plurality of sides substantially in the form of a pentagon. See attached annotated figs. 1 and 2. The bracket has a first end (A) adjacent to a second end (B) wherein the first end and second end each have mutually perpendicular outer surfaces and each outer surface extends or may be projected to extend to intersect with the other outer surfaces. The bracket of Ryan would enable an imaginary first penetration line (P3) to extend from the base corner away from both the first and second end and wherein the first penetration line intersects and passes through the cavity wall (8a); and wherein a first passageway (G) extends about the first penetration

line through the cavity wall. The cavity wall surrounding the first passageway has a convex shape.

The bracket of Ryan would further allows an imaginary second penetration line (P4) to extend from and in a direction perpendicular to the outer surface of the first end, wherein a second passageway (anyone of the openings in the outer surface of the first end) extends about the second penetration line through the cavity wall of the first end. A third passageway (D) through the cavity wall positioned opposite the second passageway such that the second penetration line could pass through the third passageway. Note that both the first and second penetration lines are not necessarily being straight lines. The second passageway of the bracket can be used for receiving a connecting member.

It would have been obvious to one skilled in the art to substitute the bracket in Fujishima et al. with the bracket disclosed by Ryan that has features discussed above including a first end, a second end, a first passageway, a second passageway and a third passageway wherein the cavity wall surrounding the first passageway has a convex shape to further reinforce the structural panel in case of earthquake.

Response to Arguments

Applicant's arguments with respect to claims 32-34, 42, 44-51, 56, 57 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lanna Mai whose telephone number is (703) 308-2486.

The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

Lm

7-23-04

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



FIG. 1

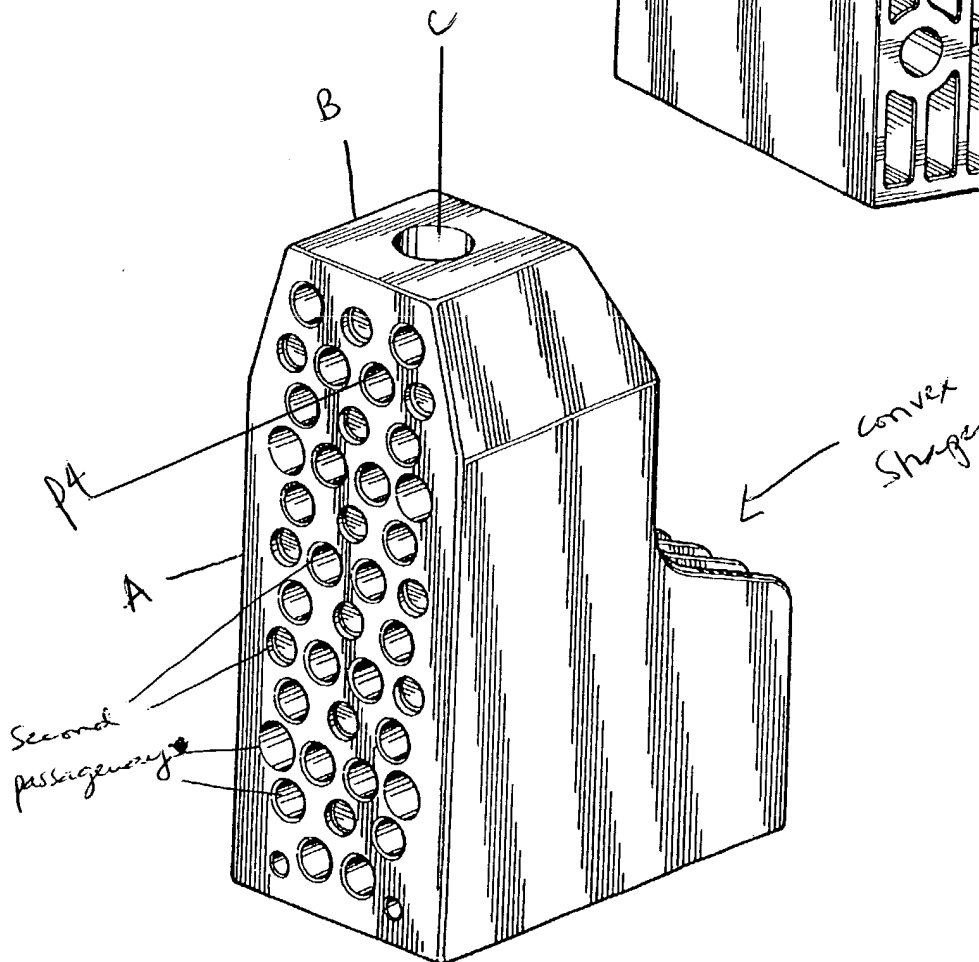
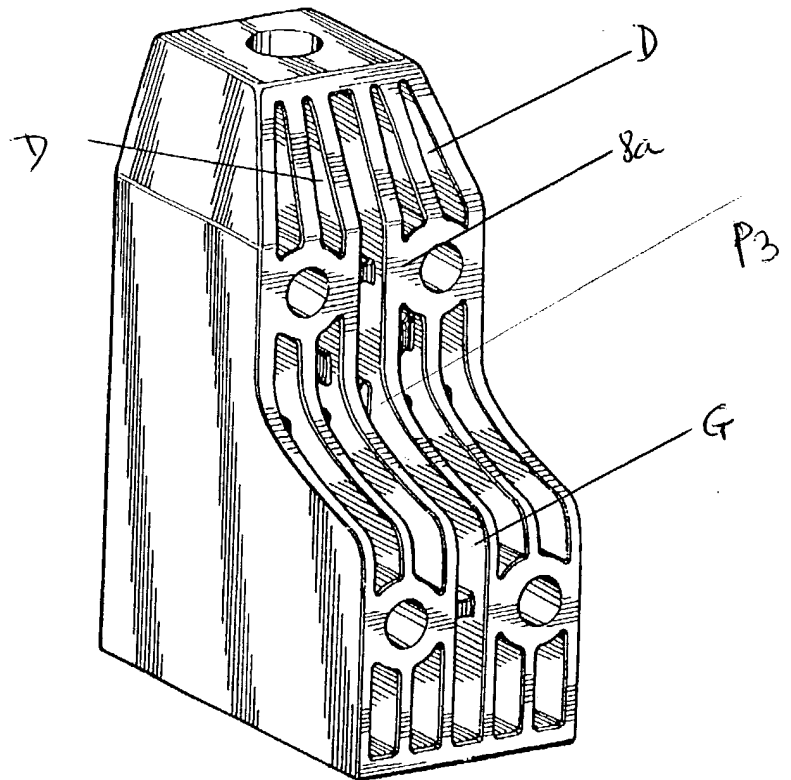


FIG. 2